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RESOLUTION NO. 04-351

RESOLUTION OF FINDINGS OF ADVISABILITY AND RESOLUTION AUTHORIZING IMPROVING A LEFT TURN LANE ON 37TH STREET NORTH TO SERVE THE EAST BOUND LEFT-TURN MOVEMENTS INTO LOT 15, BLOCK 2, AVALON PARK 2ND AND THE WEST BOUND LEFT-TURN MOVEMENTS INTO TYLER'S LANDING COMMERCIAL FROM THE WEST PROPERTY LINE OF LOT 16, BLOCK 2, AVALON PARK 2ND TO PEPPER RIDGE STREET, (NORTH OF 37TH STREET NORTH, EAST OF TYLER) 472-83901, IN THE CITY OF WICHITA, KANSAS, PURSUANT TO FINDINGS OF ADVISABILITY MADE BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS.

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS, THAT THE FOLLOWING FINDINGS AS TO THE ADVISABILITY OF IMPROVING A LEFT TURN LANE ON 37TH STREET NORTH TO SERVE THE EAST BOUND LEFT-TURN MOVEMENTS INTO LOT 15, BLOCK 2, AVALON PARK 2ND AND THE WEST BOUND LEFT-TURN MOVEMENTS INTO TYLER'S LANDING COMMERCIAL FROM THE WEST PROPERTY LINE OF LOT 16, BLOCK 2, AVALON PARK 2ND TO PEPPER RIDGE STREET, (NORTH OF 37TH STREET NORTH, EAST OF TYLER) 472-83901, IN THE CITY OF WICHITA, KANSAS, ARE HEREBY MADE TO-WIT:

SECTION 1. That it is necessary and in the public interest to improve a **left turn lane on 37th Street North to serve the east bound left-turn movements into Lot 15, Block 2, Avalon Park 2nd and the west bound left-turn movements into Tyler's Landing Commercial from the west property line of Lot 16, Block 2, Avalon Park 2nd to Pepper Ridge Street, (north of 37th Street North, east of Tyler) 472-83901.**

Said pavement shall be constructed of the material in accordance with plans and specifications provided by the City Engineer.

SECTION 2. That the cost of said improvements provided for in Section 1 hereof is estimated to be **Twelve Thousand Six Hundred Dollars (\$12,600.00)** exclusive of the cost of interest on borrowed money, with **100** percent payable by the improvement district.

SECTION 3. That all costs of said improvements attributable to the improvement district, when ascertained, shall be assessed against the land lying within the improvement district described as follows:

AVALON PARK 2ND

Lots 1 thru 24, Block 1

Lots 1 thru 16, Block 2

SECTION 4. That the method of apportioning all costs of said improvements attributable to the improvement district to the owners of land liable for assessment therefore

shall be on a **fractional** basis:

That said Lots 1 thru 24, Block 1; and Lots 1 thru 16, Block 2, all in Avalon Park 2nd Addition shall pay 1/40 of the total cost payable by the improvement district.

Except when driveways are requested to serve a particular tract, lot, or parcel and shall be in addition to the assessment for other improvements. Where the ownership of a single lot is or may be divided into two or more parcels, the assessment to the lot so divided shall be assessed to each ownership or parcel on a square foot basis.

SECTION 5. That payment of said assessments may indefinitely be deferred as against those property owners eligible for such deferral available through the Special Assessment Deferral Program.

SECTION 6. That the City Engineer shall prepare plans and specifications for said improvement and a preliminary estimate of cost therefore, which plans, specifications, and a preliminary estimate of cost shall be presented to this Body for its approval.

SECTION 7. Whereas, the Governing Body of the City, upon examination thereof, considered, found and determined the Petition to be sufficient, having been signed by the owners of record, whether resident or not, of more than Fifty Percent (50%) of the property liable for assessment for the costs of the improvement requested thereby; the advisability of the improvements set forth above is hereby established as authorized by K.S.A. 12-6a01 et seq. as amended.

SECTION 8. Be it further resolved that the above-described improvement is hereby authorized and declared to be necessary in accordance with the findings of the Governing Body as set out in this resolution.

SECTION 9. That the City Clerk shall make proper publication of this resolution, which shall be published once in the official City paper and which shall be effective from and after said publication.

ADOPTED at Wichita, Kansas, July 13, 2004.

CARLOS MAYANS, MAYOR

ATTEST:

KAREN SUBLETT, CITY CLERK

(SEAL)